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AMERICAN SOCIETY OF CLINICAL ONCOLOGY

August 8, 2005

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: "Draft Guidance for Industry on the Food and Drug Administration's 'Drug Watch' for Emerging Drug Safety Information" [Docket No. 2005D-0062]

These comments to the above-referenced Draft Guidance are submitted by the American Society of Clinical Oncology (ASCO). With more than 21,000 members worldwide, ASCO is the leading medical society for physicians involved in cancer treatment and clinical research. ASCO members routinely utilize drugs regulated by the Food and Drug Administration (FDA) in the treatment of patients with the full range of neoplastic diseases.

The safety and efficacy of FDA-regulated anti-cancer drugs is crucial to the modern practice of oncology. Moreover, public confidence in the safety and efficacy of these drugs is an important element of adherence to treatment by our patients. Accordingly, ASCO strongly supports the efforts of FDA to enhance publicly available information on emerging drug safety issues. We offer the following comments, suggestions and questions.

The Drug Safety Oversight Board

FDA has chosen to address the issue of safety in marketed drugs through various administrative mechanisms, notably the creation of a new web-based "Drug Watch" and an internal Drug Safety Oversight Board. ASCO appreciates the approach of reliance on FDA employees to staff the Drug Safety Oversight Board, which will make recommendations on safety issues to the Center for Drug Evaluation and Research (CDER) but leave the final decision on labeling and potentially withdrawal of approval to the CDER Director. ASCO believes that the best decision for patients will be one made by the regulators who were initially responsible for review and approval of the drug in question, though the creation of a new safety-focused separate Board to offer recommendations on safety is a welcome enhancement.

While we agree that the Drug Safety Oversight Board should be comprised of FDA and other federal government employees, ASCO believes that the advice of outside

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experts is essential. The Draft Guidance notes that the Board "may" engage outside consultants, including both scientific experts and patient and consumer representatives, but we would urge that such external advisors be routinely selected to participate in review of the safety of drugs relevant to their areas of expertise or experience.

Thresholds for Posting of Safety Data

The Draft Guidance identifies several factors that will be considered by FDA in the decision whether to include safety-related events on the Drug Watch web site. Public confidence in Drug Watch will depend in part on the transparency of the inclusion process and the clarity of the criteria that will be utilized in that process. ASCO thus recommends that FDA develop and publish substantially more specific detail about the thresholds for including or excluding reports of safety issues in different classes of drugs.

In particular, ASCO encourages FDA to be mindful of the inherent toxicities of virtually all cancer drugs, side effects that oncologists are routinely accustomed to evaluating and fully capable of managing. In light of those circumstances, we would hope that safety issues relating to either labeled or unlabeled uses would be considered with those inherent toxicities in mind. Cancer drugs should be included in Drug Watch only if they are associated with unanticipated or previously unknown side effects that should be brought to the attention of practicing oncologists. ASCO would be pleased to make its oncology expertise available to FDA in the agency's decisions regarding either general inclusion criteria for oncology drugs or the decision to include or exclude safety data related to specific drugs.

Provider-Specific Information

Since Drug Watch is intended to meet the information needs of both patients and physicians, ASCO suggests that the safety-related information presented on the web site be tailored to meet those separate needs. Physicians would benefit from more highly detailed data, whereas patients might find the information more accessible if it were presented in a less detailed format. Such customization of the available data to meet the different capacities of the patient and physician audiences would, in ASCO's view, reflect a responsible and balanced approach to informing the public about drug safety issues."

Updating Drug Watch Information

It is important for patients, providers, and others accessing Drug Watch to be informed not only when safety issues have been raised respecting a particular drug, but also when those issues have been resolved. Such resolution could take the form of a decision that the perceived safety issues require no further action, or the drug's labeling could be revised to include the safety concerns, or the drug could be removed from the market. Any development of this sort must be communicated to the public, and perhaps more importantly to treating physicians, as promptly as possible and in a manner directly targeted to the appropriate audience.

ASCO urges FDA to adopt a web-based mechanism that will generate email updates to physicians or other interested parties when the agency has new information or analysis bearing on the safety issues implicated in a given drug. Under such a system, physicians could request through Drug Watch that any developments related to a particular drug be communicated to them via email. Absent a notification mechanism for updating safety information, there is a potential that physicians may rely on outmoded data that could inappropriately discourage the use of a drug when in fact the earlier safety issues had been resolved.

Role of Pharmaceutical Sponsors

ASCO appreciates the efforts by FDA in the Draft Guidance to caution pharmaceutical sponsors from utilizing Drug Watch postings for competitive or promotional purposes. FDA should be vigilant in monitoring sponsors' promotional material to ensure that emerging safety data not be misused to gain an unwarranted commercial advantage. Drug Watch can be a useful public health tool, but rapidly evolving safety information that is different from a drug's labeling has the potential to create confusion among consumers and practitioners. Sponsors should not be allowed to utilize this still developing information in promotional efforts, as the potential for confusion may be even greater in such circumstances.

ASCO urges FDA to consider the adequacy of its existing regulatory mechanism to compel sponsors to conduct additional studies or analyses when deemed necessary. If current regulations do not offer the flexibility to require such efforts by sponsors, ASCO would recommend regulatory changes to enhance the agency's capacity in that regard.

Liability Implications

Physicians will be concerned about the medical malpractice issues that may arise from the lack of clarity regarding the status of the safety information contained in Drug Watch. The sample disclaimer language in the Draft Guidance seems inadequate to discourage misuse of the information by enterprising claimants or attorneys. Without offering specific language, ASCO believes that the disclaimer language could be much more specific in identifying the data as being of extremely limited significance in light of its preliminary nature and the fact that it remains to be analyzed by FDA for its actual impact, if any, on patient safety. If Drug Watch stimulates groundless litigation against physicians or pharmaceutical sponsors, the reporting of adverse events may suffer as a result.

Conclusion

ASCO applauds the efforts of FDA to enhance patient safety through improved communication of emerging risk. There is concern, however, that the quantity of information contemplated for inclusion in Drug Watch is potentially unmanageable, thus posing a threat to the quality of the information in the program. ASCO is certain that FDA will consider all potential issues of accuracy, timeliness, and balance as the agency moves forward with its important Drug Watch initiative